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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,753	03/29/2001	Wen-Sung Tsai	CEIP0028 USA	2677

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER	
SHAH, NILESH R	
ART UNIT	**PAPER NUMBER**
2127	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,753	TSAI, WEN-SUNG	
	Examiner	Art Unit	
	Nilesh Shah	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentablee over Weber (6,067,618) further in view of Cromer et al (6,282,643) (hereinafter Cromer).

4. As per claim 1, Weber teaches a computer system comprising:

a processor for executing a program (fig 1 col. 14 lines 55-67); and

a main memory for storing programs and data and (fig 1, col. 6 lines 21-64, col. 7 line 64 –col. 8 line 21, col. 11 lines 60-65, col. 14 lines 55-67, col. lines 10-15); and

wherein when the computer system is turned on, the BIOS is loaded into the main memory to perform a system testing process, and then the computer system is capable of choosing to load the first operating system into the main memory so as to execute the first application program or load the second operating system into the main memory so as to execute the second operating system, the first operating system being only capable of executing the first application program (fig 1, col. 6 lines 21-64, col. 7 line 64 –col. 8 line 21, col. 14 lines 55-67). Weber does not specifically talk about the use of non-volatile memory for storing the BIOS.

Cromer teaches a non-volatile memory comprising a basic input / output system (BIOS), a first operating system, and a first application program; and a hard disk for storing a second operating system (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Cromer and Weber because Cromer's storage of the BIOS is non-volatile memory would ensure Weber's operating system would not lose BIOS data when power is removed thus making the entire system more efficient.

5. As per claim 2, Cromer teaches the use of a computer system wherein the memory is a flash memory for storing data required by the application program (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

6. As per claim 3, Weber teaches a dual operating system as discussed in claim 1 but does not specifically talk about the use of flash memory.

   Cromer teaches a operating system is capable of writing data into the flash memory or reading data from the flash memory (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

7. As per claim 4, Weber teaches a dual operating system as discussed in claim 1 but does not specifically talk about the use of read- only memory.

   Cromer teaches a system wherein the non-volatile memory is a read-only memory for storing data required by the first application program (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

8. As per claim 5, Weber teaches a dual operating system as discussed in claim 1 but does not specifically talk about the use of read- only memory.

   Cromer teaches a system wherein when the computer system is executing the second operating system, the second operating system is capable of writing data into the read-only memory or reading data from the read-only memory (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

9. As per claim 6, Weber teaches a computer system further comprising a switch for selecting the first operating system or the second operating system. (fig. 1, col. 6 lines 21-64, col. 7 line 64 –col. 8 line 21, col. 14 lines 55-67)

10. As per claims 7 and 8, Weber teaches a computer system further comprising an input device and a display device for displaying an image picture, wherein the application program is controlled by the input device and the display device (col. 3 lines 15-55, col. 17 line 54- col. 18 line 15, col. 24 lines 5-40)

11. As per claim 9, Weber teaches a computer system wherein the main memory is a DRAM (fig 1 col. 14 lines 55-67).

12. As per claim 10, Weber teaches a process for executing a program comprising:
a main memory for storing programs and data (fig 1, col.5 line 65- col. 6 line 6);
a hard disk for storing a second operating system, the second operating system being capable of writing data or reading data from the non-volatile memory (fig 1, col.5 line 65- col. 6 line 42);
a switch for selecting to open either the first operating system or the second operating system (fig. 1, col. 6 lines 21-64, col. 7 line 64 –col. 8 line 21, col. 14 lines 55-67). Weber does not specifically talk about the use of non-volatile memory for storing the BIOS.

Cromer teaches a non-volatile memory comprising a basic input/output system, a first operating system, and a first application program, the first operating system only capable of causing the processor to execute the first application program (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

13. As per claim 11 Cromer teaches a computer system wherein the non-volatile memory is a flash memory for storing data required by the first application program (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

14. As per claim 12, Cromer teaches a computer system wherein the non-volatile memory is a read only memory for storing data required by the first application program (col. 2 lines 18-21, col. 4 lines 61-65, col. 7 lines 35-45).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is 703-305-8105. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah
Examiner
Art Unit 2127

NS
July 8, 2004